

House File 377 - Introduced

HOUSE FILE 377

BY SALMON

A BILL FOR

1 An Act related to unclaimed cremated remains.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 144.27, Code 2015, is amended to read as
2 follows:

3 **144.27 Funeral director's duty.**

4 1. The funeral director who first assumes custody of a dead
5 body shall file the death certificate, obtain the personal
6 data from the next of kin or the best qualified person or
7 source available and obtain the medical certification of
8 cause of death from the person responsible for completing the
9 certification. When a person other than a funeral director
10 assumes custody of a dead body, the person shall be responsible
11 for carrying out the provisions of this section.

12 2. a. A funeral director responsible for filing a
13 death certificate under this section may after a period of
14 thirty days release to federally chartered veterans service
15 organizations the name of a deceased person whose cremated
16 remains are not claimed by a relative, for the purposes of
17 determining whether the deceased person is a veteran and is
18 eligible for interment at a veterans cemetery. If obtained
19 pursuant to subsection 1, the funeral director shall also
20 release to such organizations the social security number and
21 military separation or discharge document, or such similar
22 federal document of such a person.

23 b. If a federally chartered veterans service organization
24 determines that the cremated remains of the deceased person are
25 eligible for interment at a veterans cemetery, the organization
26 shall notify the funeral director of the determination. If the
27 cremated remains have not been claimed by a relative thirty
28 days after the funeral director receives notice under this
29 paragraph, all rights to the cremated remains shall cease, and
30 the funeral director shall transfer the cremated remains to
31 the federally chartered veterans service organization if the
32 organization has secured arrangements for the interment of the
33 cremated remains at a veterans cemetery.

34 c. A funeral director providing information or transferring
35 cremated remains shall be immune from criminal or civil

1 liability arising from any actions in accordance with the
2 provisions of this subsection. Such immunity shall not apply
3 to acts or omissions constituting negligence, recklessness, or
4 intentional misconduct.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 This bill relates to unclaimed cremated remains. The bill
9 provides that a funeral director responsible for filing a death
10 certificate may after 30 days release to federally chartered
11 veterans service organizations the name of a deceased person
12 whose cremated remains are not claimed by a relative, for
13 the purposes of determining whether the deceased person is a
14 veteran and is eligible for interment at a veterans cemetery,
15 along with release of the person's social security number and
16 military separation or discharge documents, if available. If
17 such an organization determines that the cremated remains
18 are eligible for interment at a veterans cemetery, the
19 organization is required to notify the funeral director of the
20 determination. The bill provides that if the cremated remains
21 have not been claimed by a relative 30 days after the funeral
22 director receives such notice that all rights to the cremated
23 remains shall cease, and the funeral director is required
24 to transfer the cremated remains to the federally chartered
25 veterans service organization that made the determination
26 for interment at a veterans cemetery if the organization has
27 secured such arrangements.

28 The bill provides that a funeral director providing
29 information or transferring cremated remains is immune from
30 criminal and civil liability arising from any actions in
31 accordance with the provisions of the bill, but provides that
32 such immunity shall not apply to acts or omissions constituting
33 negligence, recklessness, or intentional misconduct.